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BROOKDALE SENIOR LIVING INC.
and BROOKDALE SENIOR LIVING
COMMUNITIES, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

STACIA STINER, et al.,

Plaintiffs,

v.

BROOKDALE SENIOR LIVING INC.,
et al.

Defendants.

Case No. 4:17-cv-03962-HSG

**STIPULATION AND ORDER
REGARDING MOTIONS IN
LIMINE**

1 Plaintiffs and Defendants (collectively, the “Parties”), by their undersigned counsel,
2 respectfully stipulate as follows:

3 WHEREAS, in accordance with the Court’s Civil Pretrial and Trial Standing Order ¶¶ 23-
4 24, on November 26, 2024, Plaintiffs filed five motions in limine (*see* ECF Nos. 941-945) and
5 Defendants filed three motions in limine (*see* ECF Nos. 946-948), and on December 3, the parties
6 opposed each others’ motions (*see* ECF Nos. 955-963);

7 WHEREAS, on December 13, 2024, the Court issued its Order Granting in Part and
8 Denying in Part the Cross-Motions for Summary Judgment, ECF No. 978, which substantially
9 changed the scope of the evidence the parties had intended to present in the first trial;

10 WHEREAS, the parties wish to narrow and modify the currently pending motions in limine
11 to be targeted to the issues that are still in dispute for the upcoming trial so as to conserve judicial
12 resources;

13 WHEREAS, given the upcoming winter holidays, the parties have agreed to filing their
14 revised motions in limine together with the oppositions on January 8, 2025, the date the Court set
15 for the parties’ revised pretrial filings;

16 THEREFORE, IT IS HEREBY STIPULATED, subject to the approval of the Court, that:

- 17 1. The parties agree that the Court does not need to adjudicate the eight motions in
18 limine filed on November 26, 2024 at ECF Nos. 941-948;
- 19 2. The parties will exchange revised drafts of their motions on or before December 30,
20 2024;
- 21 3. The parties will file the revised motions in limine, together with oppositions to those
22 motions, on or before January 8, 2025;
- 23 4. The parties agree that they may not file entirely new motions in limine, but as to each
24 previously filed motion in limine, the parties may: (a) withdraw their existing
25 motion; (b) leave the motion as it was when originally filed; or (c) revise or edit the
26 arguments in the existing motion to be appropriately targeted to the revised scope of
27 the trial as well as the issues of law and/or fact set forth in the parties’ revised Joint
28 Pretrial Statement;

5. The parties further agree that they will not edit their new draft motions in limine after the parties' exchange on December 30 and before the motions are filed with the oppositions on January 8, 2025.

IT IS SO STIPULATED.

DATED: December 23, 2024

MOORE & LEE, P.C.

/s/ Erica Rutner

Erica Rutner
Attorneys for Defendants

DATED: December 23, 2024

ROSEN BIEN GALVAN & GRUNFELD
LLP

/s/ Jenny S. Yelin

Jenny S. Yelin
Attorneys for Plaintiffs and the Certified
Classes

ATTORNEY ATTESTATION

Pursuant to Local Rule 5-1(i)(3), I attest that all other signatures listed, in whose behalf this filing is submitted, concur in the filing's content and have authorized the filing.

/s/ Jenny S. Yelin

Jenny S. Yelin

ROSEN BIEN GALVAN & GRUNFELD LLP

ORDER

Pursuant to Stipulation, and for good cause shown, the Parties' Stipulation is GRANTED.

Dated: 12/26/2024


HON. HAYWOOD S. GILLIAM, JR.
United States District Judge